

CONFIDENTIAL

Review 9/18/07
SJC

Sullivan County NH

Type of meeting: Board of Commissioners – Regular Business Meeting
Executive Session Meeting Minutes – Legal Matter
Date/Time Tuesday – July 17, 2007; 6:07 PM
Place: Unity County Complex – Sullivan County Health
Care – 1st Floor Activities Room

10/21/07: Board reviewed
and voted to
keep sealed
for another
six months, then
revisit.

8/19/08 Reviewed and
unsealed by Board

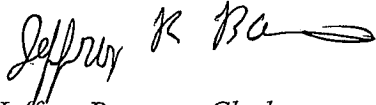
Attendees: Commissioners Ethel Jarvis – *Chair*, Bennie Nelson – *Vice Chair* and Jeffrey Barrette – *Clerk*; Ed Gil de Rubio – *County Manager*; Sherrie Curtis – *Human Services Coordinator*; and Sharon Johnson-Callum (minute taker).

6:07 A motion was made, by Commissioner Barrette, to go back into Executive Session, to discuss an attorney/client legal matter [Per RSA 91:A:3.II.e]. Commissioner Nelson seconded the motion. There was no discussion. A roll call vote was taken. The motion carried, unanimously.

Mr. Gil de Rubio pointed out he e-mailed the Board the “*Confidential*” marked letter regarding the engagement agreement document from Devine and Millimet. He noted, with HB1 and HB2 the County may lose a substantial amount of money; accordingly, NHAC chose to go for another declaratory judgment on 28:A. As they won the last one, it sets precedent for NHAC in the Courts eyes. He noted, “*We are suing our own State Delegates, so we can’t discuss this with any of them*”. They anticipate the cost of the declaratory judgment to come from NHAC budget. If they find they will need to spend over, NHAC counsel will return with a special assessment, divided similar to previous cases. NHAC is saying the State mandate is unfunded. Mr. Gil de Rubio noted NHAC counsel, Bob Dunn, has been successful in the past and is very conscious of the dollar. Ms. Curtis confirmed the April invoice was processed, but Sullivan is holding the May and June invoices, along with the other counties, until they receive word from Bob Dunn, who is attending a July 25th meeting regarding the issue. She forewarned the Board they might have to pay 12% interest penalties on holding the checks for these two months. Mr. Gil de Rubio noted, while in litigation with the State, the State would be unable to apply interest. Mr. Curtis discussed the sunset of SB 409 and surcharges on the Old Age bill and that there is no liability with Nursing Home and HCBC with the sunset. Mr. Gil de Rubio recommended the Board authorize the letter of engagement with Millimet and Devine, during the open session. Ms. Curtis spoke regarding Clawback – which is still “up in the air” and services they would not have to pay for when the bill sunsets. Mr. Gil de Rubio confirmed declaratory judgments could be appealed to the Supreme Court.

6:25 A motion was made, by Commissioner Nelson, to come out of Executive Session. Commissioner Barrette seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jeffrey R Barrette".

*Jeffrey Barrette, Clerk
Board of Commissioners*

JB/s.j-c.

Date signed: 9/4/07